

AO83 (Rev. 10/03) Summons in a Criminal Case

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

05 JAN 10 2005 1:07

UNITED STATES OF AMERICA
V.

SUMMONS IN A CRIMINAL CASE

STEVEN MONTGOMERY

Case Number: 1:01CR00055-012

(Name and Address of Defendant)

YOU ARE HEREBY SUMMONED to appear before the United States District Court at the place, date and time set forth below.

Place
U.S. DISTRICT COURT
5TH & WALNUT STREETS
CINCINNATI, OHIO 45202

Room

ROOM 701

Date and Time

1/13/05 AT 9:30 AM

Before: MAGISTRATE HOGAN

To answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☒ Probation Violation ☐ Supervised Release ☐ Violation Notice
Petition Violation Petition

Charging you with a violation of Title _____ United States Code, Section(s) _____

Brief description of offense:

SEE ATTACHED

James Bonini, Clerk

Name and Title of Issuing Officer



Signature of Issuing Officer

JANUARY 3, 2005

Date

ECF/466

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RETURN OF SERVICE

Service was made by me on:¹

01/11/05

Date

18:35 AM

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant at:

1701 DIXIE HWY.

FORT WRIGHT, KY 41011

☐ Left summons at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein and mailed a copy of the summons to the defendant's last known address.
Name of person with whom the summons was left:

☐ Returned unexecuted:

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Returned on

Date

01/12/05

Name of United States Marshal

(by) Deputy United States Marshal

Remarks:

¹ As to who may serve a summons, see Rule 4 of the Federal Rules of Criminal Procedure.

DB 12C
Rev 2/0312/22/04
RECEIVED
CLERK**United States District Court**

for

05 JAN -3 PM 2:20

Southern District of Ohio**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Steven Montgomery**: 1502 Sleepy Hollow
3, Park Hills, KY 41011 Case Number: **1:01CR00055-012**

Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber, United States District Judge**

Date of Original Sentence: **March 11, 2002**

Original Offense: **Marijuana Distribution , a Class D Felony.**

Original Sentence: **30 month(s) prison, 24 month(s) supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **December 22, 2004**

Assistant U.S. Attorney: **Robert C. Brichler**

Defense Attorney: **John T. Keller**

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons
☐ To grant an exception to revocation without a hearing.

The probation officer finds, under penalty of perjury, that probable cause to believe the defendant has violated one or more conditions of supervision exists:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	Condition # 7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician; On September 23, October 22, November 4, and December 7 of 2004 the defendant tested positive for Marijuana. On December 17, 2004 he admitted to his USPO that he had used Marijuana 7 days prior to December 17, 2004.

U.S. Probation Officer Recommendation: The offender continues to use Marijuana regularly despite the efforts of his USPO to assist him to stop. The offender has a good job and reports as required. Therefore a summons is requested and an OR bond is recommended in this case.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

ECE/660

Respectfully submitted,

by

John A. D'Alessandro
John A. D'Alessandro
U.S. Probation Officer
Date: December 22, 2004

Approved,

by

John C. Cole
John C. Cole
Supervising U.S. Probation Officer
Date: December 22, 2004

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the issuance of a Warrant for his/her arrest.
☒ The Issuance of a Summons
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other

J. H. Meher
Signature of Judicial Officer

1/13/05
Date

I certify that this is a true and correct copy of the original filed in my Office on 1-3-05
JAMES BONINI, CLERK
BY: *[Signature]*
Deputy Clerk
DATE: 1-3-05